(3)

W.P.No. 296/05

IN THE MADHYA PRADESH ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

O.A. NO. 2100 OF 1990

B E T W E E N

Ku. Seema Gupta D/o Shri Dulichand Gupta,
Occupation none, aged about 23 years,
resident of C/o Vimal Watch House, Nai Sadak,
Raigarh (M.P.)

..... PETITIONER

A N D

State of Madhya Pradesh through Secretary
Department of Collegiate Education Vallabh Bhawan,
BHOPAL .

..... RESPONDENT

(36)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

W. P.S. No. 296 OF 2005

Petitioner : Ku. Seema Gupta

Versus

Respondent : State of Madhya Pradesh

Shri Sameer Behar, counsel for the petitioner.
Shri Ajay Dwivedi, Panel lawyer for the State/respondent.

ORAL ORDER

(24th July, 2006)

1. Pursuant to the advertisement issued for appointment on the post of Assistant Professor in Hindi, the petitioner along with other similarly situated candidates, applied for appointment. The petitioner failed to get appointment.

2. Being aggrieved, the petitioner filed this petition seeking declaration that the petitioner be declared as appointed on the post of Assistant Professor in Hindi, from the date when first list of selected candidates was published. Learned counsel appearing for the petitioner is not in a position to point out, as to whether any person who has got lesser marks has been appointed. In absence of the said information, it cannot be held that the persons who got lesser marks than the petitioner have been appointed, which amounts to discrimination and arbitrariness.

3. The State/respondent has produced all the relevant records, even the select list dated 12.12.1989 and all the papers filed by the petitioner along with the application.

37

4. On perusal of the papers, it is found that the petitioner has got 48.7% marks in the merit list and the persons who have been appointed they have got more marks than the petitioner. In addition, the petitioner has not filed any experience certificate also along with the application form. Thus, this petition cannot be entertained at this stage, on the ground that it lacks sufficient material to prove case of the petitioner.

5. The appointment has already been made in the year 1989. After a period of 16 years, directing the State/respondent to appoint as on that date would be futile exercise and that may impose unnecessary burden on the finance of the Government.

6. For the reasons stated above, this petition is dismissed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge